

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 JOHN Berman, ) Case No. 5:11-cv-03698-PSG  
11 v. Plaintiff, )  
12 KNIFE RIVER CORPORATION, et al, ) **ORDER RE: SANCTIONS,**  
13 Defendants. ) **REFERRAL AND TERMINATION OF**  
14 ) **REPRESENTATION**  
15 \_\_\_\_\_

16 Earlier today, the court held a hearing on the second order to show cause issued in this case  
17 within the past month. In this order, the court directed Keith Oliver, counsel for Plaintiff John  
18 Berman, to explain why he should not be sanctioned for abandoning his client and failing to  
19 respond to the first order to show cause. Once again, Mr. Oliver did not appear or otherwise  
20 answer the court's order.  
21

22 As a consequence of his repeated failures to appear and his abandonment of his client,  
23 Oliver is sanctioned in the amount of \$1000, payable to the Clerk of the Court. The court also  
24 directs the Clerk to refer Oliver to the court's Standing Committee on Professional Conduct.<sup>1</sup>  
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26 The court must further address the particular issue of who will represent Berman going  
27 forward. Trial is set for May 27, 2014. At the hearing, Berman made clear he wants representation  
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<sup>1</sup> See Civ. L. R. 11-6(a)(1) and (e).

1 and he wants someone other than Oliver. So that potential new counsel may engage with Berman  
2 without any concern, the court terminates Oliver's representation immediately.

3 **IT IS SO ORDERED.**

4 Dated: March 18, 2014

5   
6 PAUL S. GREWAL

7 United States Magistrate Judge